

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2006-2171-MWD-E **TCEQ ID:** RN101919322 **CASE NO.:** 32111
RESPONDENT NAME: City of Leonard

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Leonard Wastewater Treatment Plant, approximately 300 feet west of the intersection of U.S. Highway 69 and the Missouri, Kansas and Texas Railroad, southeast of the City of Leonard, Fannin County</p> <p>TYPE OF OPERATION: Wastewater treatment</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 13, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223 TCEQ Enforcement Coordinator: Ms. Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: The Honorable Bill Yoss, Mayor, City of Leonard, P.O. Box 1270, Leonard, Texas 75452 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 3, 2006</p> <p>Date of NOE Relating to this Case: December 1, 2006 (NOE)</p> <p>Background Facts: This was a routine record review. Two violations were documented.</p> <p>WATER</p> <p>1) Failed to comply with permit effluent limits [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10920001, Final Effluent Limitations and Monitoring Requirements 1, 30 TEX. ADMIN. CODE § 305.125(17) and TEX WATER CODE § 26.121(a)].</p> <p>2) Failed to submit monitoring results at the intervals specified in the permit. Specifically, the respondent failed to submit a Sludge Report for the monitoring periods ending July 31, 2005 and July 31, 2006 [30 TEX. ADMIN. CODE § 305.125(17), TPDES Permit No. 10920001 Sludge Provisions].</p>	<p>Total Assessed: \$9,600</p> <p>Total Deferred: \$1,920 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$7,680</p> <p>Total Paid to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that on March 8, 2007, the Respondent submitted the Sludge Reports for the monitoring periods ending July 31, 2005 and July 31, 2006.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>3) The Order will also require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, begin submitting notification to the TCEQ of effluent violations which exceed the permit limits by greater than 40%; and</p> <p>b. Within 30 days after the effective date of this Agreed Order, submit written certification of compliance with TPDES Permit No. 10920001, Effluent Limitations and Monitoring Requirements No.1 and Ordering Provision 3.a. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>

Attachment A

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Leonard
Docket Number: 2006-2171-MWD-E
Penalty Amount: Seven Thousand Six Hundred Eighty Dollars (\$7,680)
SEP Amount: Seven Thousand Six Hundred Eighty Dollars (\$7,680)
Type of SEP: Custom
Location of SEP: Fannin County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall connect to the City of Leonard's wastewater collection system one home, owned by a low-income homeowner, which has a substandard or failing septic system. SEP monies will be used to install approximately 1,800 linear feet ("LF") of 6" standard dimension ratio ("SDR") 35 polyvinyl chloride ("PVC") sewer line, approximately 150 LF of 4" SDR 35 PVC sewer line, install four manholes, and one cleanout. The Respondent shall perform this project in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

People can be exposed through:

- Sewage in drinking water sources;
- Direct contact in areas of public access such as basements, lawns or streets, or waters used for recreation;
- Shellfish harvested from areas contaminated by raw sewage; and
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. SEP monies will be used to pay for the associated materials costs. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs. The Respondent anticipates that it will spend more than the offset amount in order to complete the project.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent will begin implementation of this SEP. The Respondent shall complete the project within one year after the effective date of this Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above.

B. Final Report

Within 60 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Number of residences connected to central sewer;
5. Map showing specific location of lines and manholes installed;
6. Photographs of the project; and
7. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

5. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the TCEQ staff may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include the docket number of this Agreed Order and a note that it is for reimbursement of an SEP. The payment for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

6. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program. Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	4-Dec-2006	Screening	15-Dec-2006	EPA Due	
	PCW	9-Mar-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Leonard
Reg. Ent. Ref. No.	RN101919322
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	32111	No. of Violations	3
Docket No.	2006-2171-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Cheryl Thompson
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$3,200**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 220% Enhancement Subtotals 2, 3, & 7 **\$7,040**

Notes: The Respondent self-reported 38 months of effluent violations and 2 non reported violations and received an Agreed Order.

Culpability No 0% Enhancement Subtotal 4 **\$0**

Notes: Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Subtotal 6 **\$0**

Total EB Amounts	\$160
Approx. Cost of Compliance	\$2,150

0% Enhancement*
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$10,240**

OTHER FACTORS AS JUSTICE MAY REQUIRE -6% Adjustment **\$640**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes: Recommend a reduction so that the penalty more adequately reflect the nature and impact of the violations.

Final Penalty Amount **\$9,600**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$9,600**

DEFERRAL

20% Reduction Adjustment **-\$1,920**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY

\$7,680

Screening Date 15-Dec-2006

Docket No. 2006-2171-MWD-E

PCW

Respondent City of Leonard

Policy Revision 2 (September 2002)

Case ID No. 32111

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101919322

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	40	200%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 220%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent self-reported 38 months of effluent violations and 2 non reported violations and received an Agreed Order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 220%

Screening Date 15-Dec-2006

Docket No. 2006-2171-MWD-E

PCW

Respondent City of Leonard

Policy Revision 2 (September 2002)

Case ID No. 32111

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101919322

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s) TPDES Permit No. 10920001, Final Effluent Limitations and Monitoring Requirements 1; 30 Tex. Admin. Code § 305.125(1) and Tex Water Code § 26.121(a)

Violation Description Failed to comply with permit effluent limits. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Using a simplified model, it was determined that human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or the environment as the result of the excursions.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

150 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$150

Violation Final Penalty Total \$6,000

This violation Final Assessed Penalty (adjusted for limits) \$6,000

Economic Benefit Worksheet

Respondent City of Leonard
Case ID No. 32111
Reg. Ent. Reference No. RN101919322
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	28-Feb-2006	31-Aug-2007	1.5	\$150	n/a	\$150

Notes for DELAYED costs

Estimated cost to provide additional oversight and sampling which may have alleviated or prevented the noncompliance. Date required is the month the first non-compliant excursion was documented. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$150

Screening Date 15-Dec-2006

Docket No. 2006-2171-MWD-E

PCW

Respondent City of Leonard

Policy Revision 2 (September 2002)

Case ID No. 32111

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101919322

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17), TPDES Permit No. 10920001 Sludge Provisions.

Violation Description

Failed to timely submit monitoring results at the intervals specified in the permit as documented by TCEQ. Specifically, the Respondent failed to submit the sludge reports for the monitoring periods ending July 31, 2005 and July 31, 2006. The sludge reports were submitted on March 8, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2

365 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty \$200

Two annual events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$600

This violation Final Assessed Penalty (adjusted for limits) \$600

Economic Benefit Worksheet

Respondent City of Leonard
Case ID No. 32111
Reg. Ent. Reference No. RN101919322
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	1-Sep-2005	8-Mar-2007	1.5	\$8	n/a	\$8

Notes for DELAYED costs

Estimated cost to submit missing DMRs. Date required is the date the sludge reports were due and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$8

Screening Date 15-Dec-2006

Docket No. 2006-2171-MWD-E

PCW

Respondent City of Leonard

Policy Revision 2 (September 2002)

Case ID No. 32111

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101919322

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. 1092000, Monitoring and Reporting Requirements

Violation Description

Failed to submit notification to the TCEQ of effluent violations which exceeded the permit limits by greater than 40%.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$3,000

This violation Final Assessed Penalty (adjusted for limits) \$3,000

Economic Benefit Worksheet

Respondent City of Leonard
Case ID No. 32111
Reg. Ent. Reference No. RN101919322
Media Water Quality
Violation No. 3

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$50	9-Jan-2007	1-Nov-2007	0.8	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to prepare and submit the notification of permit limit exceedance that are greater than 40%. Date required is the record review date and the Final Date is the projected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$2

Effluent Limit Violation Table

Table rev.

Respondent City of Leonard
ID Number(s) TPDES Permit No. 10920001
Docket Number 2006-2171-MWD-E
Enf. Coordinator Cheryl Thompson

Corresponds to Violation Number:

1

EFFLUENT PARAMETER

Permit Limit

	NH3_N Daily Average	NH3_N Daily Average	NH3_N Daily Max	C BOD 5- day Daily Average (conc.)	CBOD 5- Day Daily Max	Total Suspended Solids Daily Average							
Month/Year	20 lbs/day	3 mg/L	10 mg/L	10 mg/L	25 mg/L	15 mg/L							
Feb-06	c	5.5	10.2	c	c	c							
Mar-06	c	8.6	25	c	c	c							
Apr-06	48	17	28.7	23	42	20.5							
May-06	36.58	14.5	29.5	10.62	c	c							
Jun-06	c	7.9	12.7	c	c	c							

Name	Abbreviation
milligrams per liter	mg/L
pounds per day	lbs/day
million gallons per day	MGD
total suspended solids	TSS
5-day biochemical oxygen demand	BOD5
carbonaceous biochemical oxygen demand	CBOD
ammonia-nitrogen	NH3-N
dissolved oxygen	DO
compliant (no excursions)	c

Compliance History

Customer/Respondent/Owner-Operator:	CN600485379	City of Leonard	Classification: AVERAGE	Rating: 6.39
Regulated Entity:	RN101919322	CITY OF LEONARD	Classification: AVERAGE	Site Rating: 9.78
ID Number(s):	WASTEWATER WASTEWATER	PERMIT PERMIT	WQ0010920001 TPDES0054208	
Location:	UTILITIES WASTEWATER LICENSING	REGISTRATION LICENSE	10171 WQ0010920001	
APPROX 300 FT W OF THE INTERSECTION OF US HWY 69 AND THE MISSOURI KANSAS AND TX RR SE OF THE CITY OF LEONARD IN FANNIN COUNTY		Rating Date: September 01 06 Repeat Violator: NO		
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	December 18, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 18, 2001 to December 18, 2006			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Cheryl Thompson	Phone:	(817)588-5886	

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- | | | |
|--|----------------------------|----------------------------|
| N/A | Effective Date: 09/23/2002 | ADMINORDER 2001-0871-MWD-E |
| Classification: Moderate | | |
| Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(18) | | |
| Rqmt Prov: M/R req.7c PERMIT
PC 2a PERMIT

PC 2b PERMIT | | |
| Description: Failure to provide noncompliance notification for exceedances greater than 40% of the permit limit. | | |
| Classification: Moderate | | |
| Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4) | | |
| TWC Chapter 26 26.121 | | |
| Rqmt Prov: 2b PERMIT
2d PERMIT

2g PERMIT | | |
| Description: Failure to prevent unauthorized discharge of sludge at the outfall, downstream of the outfall, for a short distance upstream of the outfall and along the banks of the creek. | | |
| Classification: Moderate | | |
| Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4) | | |
| TWC Chapter 26 26.121 | | |
| Rqmt Prov: EL&MR 1 PERMIT
PC 2a PERMIT

PC 2b PERMIT | | |
| Description: Failure to comply with permitted effluent limitations. | | |
| Classification: Moderate | | |
| Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4) | | |
| TWC Chapter 26 26.121 | | |
| Rqmt Prov: EL&MR 1 PERMIT
PC 2a PERMIT
PC 2b PERMIT | | |
| Description: Failure to comply with the minimum permitted effluent limitation for chlorine residual of 1.0 mg/L (the grab sample of May 3, 2001 was .58 mg/L) | | |
| Classification: Moderate | | |
| Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5) | | |
| Rqmt Prov: Oper.Reg. 1 PERMIT | | |

PC 2a PERMIT

PC 2b PERMIT

Description: Failure to ensure the facility and its components are properly maintained.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11[G]

Rqmt Prov: M&R Req 3b PERMIT

M&R Req 5 PERMIT

M&R Req 7 PERMIT

PC 2a PERMIT

PC 2b PERMIT

Description: Failure to comply with self monitoring procedures by not calibrating the dissolved oxygen meter, not maintaining the calibration logs, and not marking the number of excursions on DMRs.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(11)[G]

30 TAC Chapter 319, SubChapter A 319.11[G]

Rqmt Prov: M&R req. 3b PERMIT

PC Nos. 2a PERMIT

PC Nos. 2b PERMIT

Description: Failure to properly document sludge disposal activities by not keeping sludge manifests or trip tickets.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OR 1 PERMIT

PC 2a PERMIT

PC 2b PERMIT

Description: Failure to maintain the collection system so as to prevent the treatment system from being adversely affected by inflow and infiltration. The wastewater system is inundated with storm water during rain events as evidenced by flow exceedances.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 305, SubChapter F 305.126(a)

TWC Chapter 26 26.121

Rqmt Prov: Oper.Reqs.8a PERMIT

PC 2a PERMIT

PC 2b PERMIT

Description: Failure to obtain necessary authorization by the TNRCC to begin construction of the necessary additional treatment and/or collection facilities. The fac exceeded 90% of its flow limitation for 3 or more consecutive months.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121

Rqmt Prov: Oper.Reqs.8a PERMIT

Description: Fail. comply w/ 75/90 rule.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 09/10/2002 (186134)
N/A

2 08/19/2002 (186131)

3 07/08/2002 (186128)

4 02/10/2004 (307301)

5 06/24/2002 (186125)

6 03/15/2004 (307302)

7 04/19/2004 (307303)

8 05/12/2003 (307304)

9 02/16/2006 (473189)

10 05/14/2002 (186122)

11 06/09/2003 (307305)

12 03/13/2006 (473190)

13 07/11/2003 (307306)

14 08/13/2003 (307307)

15 09/08/2003 (307308)

16 04/07/2003 (186119)

17 10/17/2003 (307309)

18 10/14/2005 (473191)

19 04/15/2002 (186118)

20 11/10/2003 (307310)

21 09/07/2004 (292992)

22 12/08/2003 (307311)

23 01/20/2004 (307312)
 24 12/09/2005 (473192)
 25 03/14/2003 (186114)
 26 03/20/2002 (186113)
 27 01/17/2006 (473193)
 28 05/02/2006 (501398)
 29 06/06/2006 (501399)
 30 02/11/2003 (186111)
 31 02/12/2002 (186110)
 32 06/22/2006 (501400)
 33 07/19/2006 (523647)
 34 08/15/2006 (523648)
 35 06/27/2003 (280893)
 36 09/14/2006 (523649)
 37 01/15/2003 (186147)
 38 02/22/2005 (443378)
 39 01/22/2002 (186146)
 40 04/18/2005 (443379)
 41 05/16/2005 (443380)
 42 06/09/2005 (443381)
 43 07/15/2005 (443382)
 44 04/30/2004 (270390)
 45 08/16/2005 (443383)
 46 03/21/2005 (384491)
 47 09/12/2005 (443384)
 48 11/24/2004 (384492)
 49 12/12/2002 (186143)
 50 12/20/2001 (186142)
 51 05/12/2004 (356816)
 52 12/22/2004 (384493)
 53 06/16/2004 (356817)
 54 07/09/2004 (356818)
 55 01/28/2005 (384494)
 56 11/21/2002 (186140)
 57 08/11/2004 (356819)
 58 12/01/2006 (518247)
 59 09/10/2004 (356820)
 60 10/21/2004 (356821)
 61 10/01/2002 (186137)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/31/2002 (186134)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2002 (186131)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2002 (186128)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2005 (443381)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2002 (186125)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2005 (443382)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/29/2004 (307302)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2002 (186122)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2004 (307303)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2005 (443383)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2003 (307304)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2003 (307305)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2003 (186119)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2002 (186118)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2006 (473190)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2003 (307309)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2005 (473191)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2003 (186114)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2002 (186113)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2005 (473192)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2003 (186111)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2006 (501398)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2006 (501399)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2005 (473193)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2006 (501400)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2004 (270390)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
 Description: Failure to comply with permit limitations and to provide noncompliance notification as required.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
 Rqmt Prov: PERMIT IA
 Description: Failure to document holding times field pH, total chlorine residual (TCR), and DO monitoring.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
 Description: Failure to annually calibrate the effluent flow measuring device.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
 Description: Failure to provide documentation of liquid paint filter test results for sludge disposed in a municipal landfill.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 317 317.6(b)(1)(D)
 Description: Failure to provide a self-contained breathing apparatus (SCBA).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
 Description: Failure to document process control analyses.
 Date: 06/30/2006 (523647)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2006 (523648)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2002 (186147)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2001 (186146)
 Self Report? YES Classification: Moderate

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	11/30/2002 (186143)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	10/31/2004 (384492)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	10/31/2002 (186140)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	01/31/2005 (443378)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	11/30/2004 (384493)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	03/31/2005 (443379)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	12/31/2004 (384494)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	09/28/2005 (433460)	
Self Report?	NO	Classification: Moderate
Citation:	TWC Chapter 26 26.121	
Description:	Failure to prevent an unauthorized discharge.	
Date:	09/30/2002 (186137)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	04/30/2005 (443380)	
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF LEONARD
RN101919322**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2006-2171-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Leonard ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment plant located approximately 300 feet west of the intersection of U.S. Highway 69 and the Missouri, Kansas and Texas Railroad, southeast of the City of Leonard in Fannin County, Texas (the "Facility").
2. The City has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about December 6, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Thousand Six Hundred Dollars (\$9,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

One Thousand Nine-Hundred Twenty Dollars (\$1,920) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty. Seven Thousand Six Hundred Eighty Dollars (\$7,680) shall be conditionally offset by the City's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on March 8, 2007, the City submitted the Sludge Reports for the monitoring periods ending July 31, 2005 and July 31, 2006.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to comply with permit effluent limits, in violation of TPDES Permit No. 10920001, Final Effluent Limitations and Monitoring Requirements 1, 30 TEX. ADMIN. CODE § 305.125(17) and TEX WATER CODE § 26.121(a), as documented during a record review conducted on November 3, 2006. See table below.

Month/Year	NH3-N Daily Average	NH3-N Daily Average	NH3-N Daily Maximum	CBOD 5-Day Daily Average (conc)	CBOD 5-Day Daily Maximum	TSS Daily Average
	20 lb/day	3 mg/L	10mg/L	10mg/L	25 mg/L	15 mg/L
Feb-06	c	5.5	10.2	c	c	c
Mar-06	c	8.6	25	c	c	c
Apr-06	48	17	28.7	23	42	20.5
May-06	36.58	14.5	29.5	10.62	c	c
Jun-06	c	7.9	12.7	c	c	c

milligrams per liter = mg/L

pounds per day = lbs/day
compliant (no excursions) = c
ammonia nitrogen = NH₃-N
carbonaceous biochemical oxygen demand = CBOD
total suspended solids = TSS

2. Failed to submit monitoring results at the intervals specified in the permit as documented by TCEQ, in violation of 30 TEX. ADMIN. CODE § 305.125(17), TPDES Permit No. 10920001 Sludge Provisions, as documented during a record review conducted on November 3, 2006. Specifically, the respondent failed to submit a Sludge Report for the monitoring periods ending July 31, 2005 and July 31, 2006.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Leonard, Docket No. 2006-2171-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The City shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I Paragraph 6 above, Seven Thousand Six Hundred Eighty Dollars (\$7,680) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the City shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, begin submitting notification to the TCEQ of effluent violations which exceed the permit limits by greater than 40%, in accordance with TPDES Permit No. 10920001; and

- b. Within 30 days after the effective date of this Agreed Order, submit written certification of compliance with TPDES Permit No. 10920001, Effluent Limitations and Monitoring Requirements No.1 and Ordering Provision 3.a. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments compliance were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager Water Section
Dallas-Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

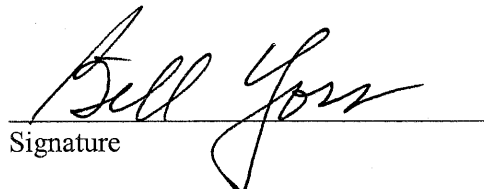
8/21/2007
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

4-9-07
Date

BILL YOSS

Name (Printed or typed)
Authorized Representative of
City of Leonard

MAYOR

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Leonard
Docket Number: 2006-2171-MWD-E
Penalty Amount: Seven Thousand Six Hundred Eighty Dollars (\$7,680)
SEP Amount: Seven Thousand Six Hundred Eighty Dollars (\$7,680)
Type of SEP: Custom
Location of SEP: Fannin County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall connect to the City of Leonard's wastewater collection system one home, owned by a low-income homeowner, which has a substandard or failing septic system. SEP monies will be used to install approximately 1,800 linear feet ("LF") of 6" standard dimension ratio ("SDR") 35 polyvinyl chloride ("PVC") sewer line, approximately 150 LF of 4" SDR 35 PVC sewer line, install four manholes, and one cleanout. The Respondent shall perform this project in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

People can be exposed through:

- Sewage in drinking water sources;
- Direct contact in areas of public access such as basements, lawns or streets, or waters used for recreation;
- Shellfish harvested from areas contaminated by raw sewage; and
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. SEP monies will be used to pay for the associated materials costs. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs. The Respondent anticipates that it will spend more than the offset amount in order to complete the project.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent will begin implementation of this SEP. The Respondent shall complete the project within one year after the effective date of this Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above.

B. Final Report

Within 60 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Number of residences connected to central sewer;
5. Map showing specific location of lines and manholes installed;
6. Photographs of the project; and
7. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

5. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the TCEQ staff may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include the docket number of this Agreed Order and a note that it is for reimbursement of an SEP. The payment for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

6. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program. Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government.

